

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Association of American Physicians & Surgeons,

Plaintiff,

v.

Food & Drug Administration, et al.,

Defendants.

Case No. 1:20-cv-493-RJJ-SJB

**Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure  
to State a Claim Upon Which Relief Can Be Granted**

Defendants hereby move this Court to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. The grounds for this motion are fully set forth in Defendants' contemporaneously filed brief.

July 10, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

July 10, 2020

s/ James W. Harlow  
JAMES W. HARLOW